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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,919	02/08/2002	Biagio Bisanti	TI-32512	2279

23494 7590 02/23/2006

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EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2685

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/071,919	Applicant(s) BISANTI ET AL.	
	Examiner SIMON D. NGUYEN	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 21 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21, 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The independent claims 21 and 26 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 21 and 26, the term “**unmodified**” in “...receiving unmodified the modulated RF signal” contains subject matter which **was not described in the specification** in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 is twice used the term "circuitry". According to the function of the term, it is different circuitries. If it is true, two different circuitries should be named as "a first circuitry" and "a second circuitry".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21, 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by McCune, Jr. et al. (5,952,895).

Regarding independent claim 21, McCune, Jr. discloses a RF modulator (fig.4) having a PLL producing a modulated RF signal; a phase demodulator (419) for receiving the modulated RF signal and providing a phase information signal; and a comparator (417) for receiving the unmodified modulated RF signal (an output of the demodulator) and having an output port for providing an error signal (fig.4, column 3 lines 11-62).

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 21, wherein McCune further discloses circuitry (411 of fig.4) for responsive to the error signal for controlling the amplitude of the modulation signal.

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Regarding claims 27-28, as mentioned in claim 21, McCune discloses the circuitry (fig.4) for receiving unmodified the modulated RF signal and outputting an error signal comprises a demodulator (419) and a comparator (417).

7. Claims 21, 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Parniere et al. (4,554,517).

Regarding claim 21, Parniere discloses a modulating circuit (fig.1-2), comprising: a PLL for producing a modulated signal (figs.2); a phase demodulator (3) having an input port for receiving unmodified the modulated RF signal and having an output port for providing a phase information signal; and a comparator (4) for receiving the phase information signal and outputting an error signal wherein the error signal is inputted to an adjustment means 7 for correcting the error signal (columns 3-4).

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 21, wherein Parniere further discloses circuitry (5-7) for responsive to the error signal for controlling the amplitude of the modulation signal.

Regarding claims 27-28, as mentioned in claim 21, Parniere discloses the circuitry for receiving unmodified the modulated RF signal and outputting an error signal comprises a demodulator (3) and a comparator (4).

Allowable Subject Matter

8. Claims 1-9, 22-25 are allowed.

Regarding claims 1 and 7, the prior art of record fails to teach a comparator having a second input port

This reference does not specifically teach the error signal inputted to a pre-emphasis digital filter.

Regarding claim 2-6, 8-9, 22-25, these claims are allowed as being dependent upon independent claims that have been allowed.

Response to Arguments

9. In Remarks, the applicant argued that the demodulator did not receive unmodified the modulated signal. The examiner disagrees because in fig.4, McCune, Jr. disclosed the output signal of the VCO 405 is a modulated signal, wherein the modulated signal is transmitted via an antenna, that same signal is feededback to the demodulator for demodulating become the unmodified modulated signal which is known to those skilled in the art in order to correct an error in the modulated signal. Secondly, the modulated signal feedbacks to the demodulator in your invention of fig.2 also have the same drawing and explaining. Why does the modulated signal feededback to the demodulator from your invention is called the unmodified the modulated signal while the modulated signal feededback to the demodulator of McCune is not called the unmodified signal ?. Thirdly, nowhere in the SPEC use the term "unmodified". Please, explain. Fourthly, the new art of Parniere teaches the modulated signal outputted from the PLL when it feedbacks to the demodulator is called the un-modulated or unmodified fig. 1).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314

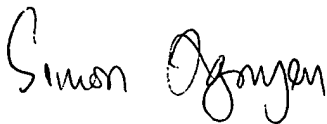
Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

February 15, 2006



**SIMON NGUYEN
PRIMARY EXAMINER**